

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Oregon

FILED 10 11 18 15:18 JSDC-ORP

United States of America

v.

ANDRE M. MILLER

Case No.

'10-MJ-490

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 5, 2010 in the county of Multnomah in the
District of Oregon, the defendant(s) violated:

Code Section

18 U.S.C. §§ 1591(a) and 2423(a)

Offense Description

On or about November 5, 2010, in the District of Oregon and elsewhere, Andre M. Miller, did (1) knowingly, in or affecting interstate commerce, recruit, entice, harbor, transport, provide, obtain, or maintain a person knowing that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act and benefitted financially from such a venture which was engaged in such conduct; and, did (2) knowingly transport an individual who has not attained the age of 18 years, in interstate commerce, with the intent that the individual engage in prostitution.

This criminal complaint is based on these facts:

See attached affidavit of Special Agent Erin Burke.

☒ Continued on the attached sheet.


Complainant's signature

Special Agent Erin Burke

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/18/2010City and state: Portland, Oregon


Judge's signature

HONORABLE JOHN V. ACOSTA

Printed name and title

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

STATE OF OREGON

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**AFFIDAVIT
in Support of a
Criminal Complaint**

COUNTY OF MULTNOMAH

I, Erin Burke, being duly sworn, depose and state:

1. I am a Special Agent (SA) assigned to the Office of Investigations, Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), and have been so assigned since September 11, 2006. As part of my duties as an ICE Agent, I investigate criminal violations relating to the sexual exploitation of children pursuant to Title 18, United States Code (U.S.C), Sections 1591, the Trafficking Victims Protection Act (TVPA), 2251 through 2259, the Sexual Exploitation of Children Act (SECA), and Sections 2421 through 2423, the Transportation for Illegal Sexual Activity and Related Crimes. In addition, I have spoken with other agents and officers who have extensive training and experience in these investigations.

2. This Affidavit is made in support of a criminal complaint and arrest warrant charging Andre M. Miller, date of birth September X, 1974, with violations of Title 18, United States Code, Sections 1591(a), which makes it a crime to knowingly, in or affecting interstate commerce, for a person to recruit, entice, harbor, transport, provide, obtain, or maintain a person knowing that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act or to benefit financially from a venture which has engaged in such conduct, and 2423(a), which makes it a crime to transport an individual who has not attained the age of 18 years in interstate commerce, with the intent that the individual engage in prostitution.

3. The information contained within this affidavit is based on my training and experience, my personal involvement in this investigation, and information related to me by other law enforcement officers.

4. This affidavit is being submitted for the limited purpose of charging a criminal violation and securing an arrest warrant. I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause.

5. As a result of the instant investigation described more fully below, there is probable cause to believe that Andre M. Miller violated 18 U.S.C. §§ 1591(a) and 2423(a).

The Investigation

6. On November 5, 2010, agents from the U.S. Immigration and Customs Enforcement (ICE), Assistant Special Agent in Charge (ASAC), Portland, Oregon office assisted the Portland Federal Bureau of Investigation (FBI) in Operation Cross Country, a nationwide operation designed to identify and rescue underage prostitutes and victims of human trafficking. As part of the operation, an undercover agent (UC) placed telephone calls to individuals who advertised on locally based WebPages such as Portland www.backpage.com under the "escorts" section.

7. The UC agent made several attempts, via telephone, to make contact with the individual listed in the following advertisement which was posted on November 5, 2010, 05:07PM:

\$\$\$\$ Mz. Prize Ready to Go Live \$\$\$\$-19

I'm a very precious woman that come with gifts and surprises...i have bills for \$100 dollars that i have to pay or a pair of \$150 pair of shoes....id like to meet somebody that is worth my time....no prices call me now if your the kind caring non flay type. (650)223-1955 so lets meet and greet!!!

Poster's age

Post ID: 4519326

8. After several calls and texts between "Mz. Prize" and the UC, a meeting was arranged for a residence in Vancouver, WA. During one of the conversations, the UC provided directions to "Prize"

from Interstate 205 in Portland, Multnomah County, Oregon, to the residence in Vancouver, Clark County, Washington.

9. At approximately 9:20pm, "Mz. Prize" arrived at the residence in a vehicle bearing Washington plate 993YFG with three other occupants. "Mz. Prize" entered the residence and discussed the terms of the date with the UC. These terms included \$150 for a half hour to let the UC "fuck her from behind." The UC provided "Mz. Prize" \$160 which she counted in front of the UC. At this time, the arrest team entered the residence and contacted "Mz. Prize."

10. "Mz. Prize" was identified as a seventeen year old minor and will be referred to hereinafter as A.G. A.G. was handcuffed, advised of her *Miranda* Rights, and transported to Vancouver Police Department (VPD) to be interviewed. During a search of A.G., two condoms were found in her jacket pocket.

11. At VPD, A.G. agreed to be interviewed and provided the following pertinent information:

A. She ran away from her home about three weeks ago. She began prostituting about a month ago as a means to make money. She began posting prostitution ads on BackPage Spokane. A.G. stated that she has performed lap dances for \$25-\$30, blowjobs for \$100, and sexual intercourse for \$150.

B. She came to the residence that night with three other individuals whom she identified as Neechie (later identified as Tra'Neace Groby), Ace (Christopher Spears), and Prize (Andre Miller).

C. She met Miller three weeks ago through a friend identified as "RP." She stated that the previous weekend, "RP" drove her and Miller to a hotel in SeaTac. She stated that Miller called Spears and Groby in order to meet up and they ended up coming to the hotel and staying with them. She stated they were only there a couple of nights when she posted an advertisement on Seattle Backpage. She said she only responded to one male for a blow job.

D. AG stated that on Tuesday (November 2, 2010) they went to Portland and stayed at Motel 6. AG stated that she changed her Backpage advertisement to acknowledge that she was in Portland, Oregon.

E. AG stated that she and Miller had a recent conversation about the “rules of the game” in regards to prostitution. She told Andre she insisted that she be careful by always using condoms during sex. She also stated that she only wanted to prostitute long enough to get rich, and that she would not put up with him hitting her. She stated that Miller told her she could do whatever made her comfortable and he would take care of her.

F. A.G. stated that she sets up her own appointments and she only has to do it when she feels like it. She stated that when they, her and Miller, are low on money she will accept a prostitution appointment and that her and Miller both agree on it. She states that when she goes on her calls she comes back and gives Miller all the money she earned and he holds it for her. A.G. stated that whenever she needs anything, she just asks Miller and he gets whatever she needs. She also stated that she and Miller agreed to go from town to town to get money and that all of their money comes from her working as a prostitute.

G. A.G. stated that Miller was not her “pimp” because “it is not like that,” and he does not treat her badly or physically assault her.

H. A.G. confirmed that she and Miller had recently been staying together in a hotel in Portland, Oregon and that they had traveled from Portland, Oregon to Vancouver, Washington on November 5, 2010, so that she could engage in an act of prostitution with the UC.

I. A.G. also said that the cellular telephone she uses is in Miller’s name and that she pays him for it.

12. Subsequent to AG being contacted, the individuals waiting in the vehicle that brought her to the residence in Vancouver were contacted, brought to VPD, and interviewed. Christopher Spears and Tra’Neace Groby made the following pertinent statements:

A. Spears stated that Miller called him and stated that he would give them (Spears and Groby) “\$30 or whatever” to give he and A.G. a ride to Vancouver on November 5, 2010. Spears stated that they needed the money so they agreed to take them from Portland, Oregon to Vancouver, Washington. Spears, however, claimed he did not know why they were headed to Vancouver. Spears did, however, confirm that they picked Miller and A.G. up in Oregon.

B. Groby stated that Miller called Spears and stated: “Drop me and my girl off, I’ll give you some gas money.” Groby stated the amount was something like \$40.

13. Groby gave VPD consent to search the vehicle. Inside the vehicle officers found two pages of notebook paper that had detailed directions on how to get from Powell Boulevard in Portland,

Oregon to the residence used in this UC operation, which is located in Vancouver, Washington. There was also an address on one of the pages that coincides with the address of a Motel 6 in Portland, Oregon. Spears and Groby denied writing out these directions.

Conclusion

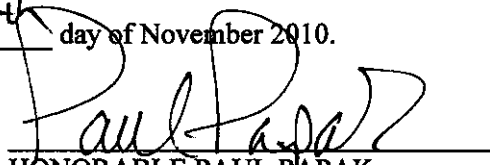
14. Based on the above information I have probable cause to believe that Andre Miller has violated Title 18, United States Code, Sections 1591(a), which makes it a crime to knowingly, in or affecting interstate commerce, for a person to recruit, entice, harbor, transport, provide, obtain, or maintain a person knowing that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act or to benefit financially from a venture which has engaged in such conduct, and 2423(a), which makes it a crime to transport an individual who has not attained the age of 18 years in interstate commerce, with the intent that the individual engage in prostitution.

15. In consideration of the foregoing, I respectfully request that this court issue an arrest warrant for Andre M. Miller, date of birth September X, 1974, charging him with the above-referenced crimes.



ERIN L. BURKE
ICE Special Agent

SWORN TO and subscribed before me this 18th day of November 2010.



HONORABLE PAUL PAPAK
United States Magistrate Judge